

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

NICHOLAS JAMES HALL,

Petitioner,

v.

**CIVIL ACTION NO.: 3:24-CV-51
CRIMINAL ACTION NO.: 3:21-CR-44
(GROH)**

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

Now before the Court is a Report and Recommendation (“R&R”) issued by United States Magistrate Judge Robert W. Trumble. ECF No. 84.¹ Pursuant to the Local Rules, this action was referred to Judge Trumble for submission of a proposed R&R. Judge Trumble issued an R&R on July 11, 2024, recommending the Petitioner’s Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [ECF No. 69] be denied and dismissed with prejudice.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to timely file objections constitutes a waiver of *de novo* review and of a petitioner’s right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); Snyder v.

¹ Citations to the docket will refer to case number 3:21-CR-44, unless otherwise stated.

Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of the Petitioner being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Petitioner accepted service of the R&R on July 17, 2024. ECF No. 89. To date, no objections have been filed. Therefore, after allowing additional time for transit in the mail, the Court finds the deadline to submit objections to the R&R has passed. Accordingly, this Court will review the R&R for clear error.

Upon careful review, it is the opinion of this Court that Magistrate Judge Trumble's R&R [ECF No. 84]² should be, and is hereby, **ORDERED ADOPTED**. For the reasons more fully stated in the R&R, the Petitioner's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [ECF No. 69]³ is **DISMISSED WITH PREJUDICE**.

As a final matter, upon an independent review of the record, this Court hereby **DENIES** the Petitioner a Certificate of Appealability, finding that he has failed to make a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

The Clerk of Court is **DIRECTED** to **STRIKE** the civil action from the Court's active docket. The Clerk is **FURTHER DIRECTED** to transmit a copy of this Order to the *pro se* Petitioner by certified mail, return receipt requested, at his last known address.

DATED: January 30, 2025


GINA M. GROH
UNITED STATES DISTRICT JUDGE

² ECF No. 4 in 3:24-CV-51.

³ ECF No. 1 in 3:24-CV-51.